

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOE LEE TOUCHSTONE §  
TDCJ-CID # 577586 §  
v. § C.A. NO. C-12-389  
§  
TOSHA JAMES, ET AL. §

**OPINION TRANSFERRING ACTION**

This is a civil rights action filed by a state prisoner pursuant to 42 U.S.C. § 1983, who is currently incarcerated at the McConnell Unit in Beeville, Texas. In the complaint, plaintiff names as defendants Tosha James, a health services administrator at the Clements Unit in Amarillo, Texas as well as the Clements Unit Medical Department. (D.E. 1). Specifically, he alleges that defendants denied him medical care.

A civil action must be brought before a court where venue is proper:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b). Where a case is filed in a district or division where venue is not proper, Congress has mandated that “[t]he district court ... shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). In addition, the general rules governing transfer of venue articulated provide that “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may

transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a).

In this case, defendants are in Amarillo which is in Potter County, Texas. Potter County lies within the Amarillo Division of the Northern District of Texas. 28 U.S.C. § 124(a)(5). Jurisdiction is proper with that court. 28 U.S.C. § 1391(b).

Accordingly, it is respectfully recommended that this action be transferred to the United States District Court for the Northern District of Texas, Amarillo Division.

ORDERED this 3rd day of January 2013.



BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE